

OCT 20 2005

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Phone:	Date: <u>10/20/05</u>
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Attorney Docket #: P146-US

OCT 20 2005**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Duboc

Group Art Unit: 2822

Serial Number: 10/810,076

Examiner: Lewis, Monica

Filed: March 26, 2004

For: **MICROELECTROMECHANICAL DEVICES WITH LUBRICANTS
AND GETTERS FORMED THEREON**

RESPONSE TO OFFICE ACTION DATED SEPTEMBER 29, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

In response to the election of species requirement in the Office Action dated September 29, 2005, the undersigned hereby elects Embodiment I (claims 1-4 and 17-19) for prosecution in the instant patent application. However, this election is with traverse because the election of species requirement under 35 U.S.C. 121 is not applicable to the present patent application.


MPEP 806.04(c) provides that "claims are never species;" and "species are always the specifically different embodiments." MPEP 806.04(f) provides that "claims to be restricted to different species must be mutually exclusive." It is respectfully submitted that, claims in species groups I - XV as indicated in the Office Action are not mutually exclusive. Reconsideration and withdrawal of the requirement are respectfully requested.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. In the event any fees are required in connection with this paper, please charge our Deposit Account No. 501516.

Respectfully submitted,

Attorney Docket #: P146-US

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